



Northeast Organic Farming Association of Vermont

An organization of farmers, gardeners, and consumers working to promote an economically viable and ecologically sound Vermont food system

**Docket Clerk, Marketing Order
Administration Branch, Fruit and
Vegetable Programs, AMS, USDA, 1400
Independence Avenue SW., STOP 0237**

**Docket No. AMS-FV-07-0090; FV-07-962-1 ANPR
Handling Regulations for Leafy Greens Under the Agriculture Marketing Act of
1937**

On behalf of the Northeast Organic Farming Association of Vermont (NOFA-VT), thank you for the opportunity to comment on the above cited docket.

NOFA-VT is one of the oldest organic farming associations in the nation with over 1000 members, including 133 Certified Organic vegetable producers who market a large fraction of their produce directly to consumers and to community retail establishments. Vermont has more commercial organic vegetable farms, as a percentage of total number of vegetable farms, than any other state in the nation. Organic vegetable production is a rapidly growing and increasingly important to our state's agricultural economy.

The Federal Register's ANPR notice states that "members of the leafy greens industry" have requested that the AMS develop a voluntary or mandatory nationwide marketing agreement program, modeled after a California program, that would serve to "minimize the risk of pathogenic contamination" of leafy green vegetables during production, handling and marketing to consumers. A variety of management standards, audits, water and soil amendment testing protocols, compliance inspections and certification schemes are contemplated.

NOFA-VT is opposed to the development and implementation of a nationwide marketing agreement as proposed. Whether voluntary or mandatory, the agreement would disproportionately favor large-scale producers in the marketplace, who possess the technical and financial resources to comply with its numerous requirements. Under a mandatory program, many thousands of family-scale producers would be forced out of business. Under a voluntary program, leafy vegetables marketed without the relevant certification label would be unfairly judged by consumers as "less safe".

The recent cases of pathogen contamination of leafy greens with resulting widespread illness were associated with large-scale production and widespread distribution of pre-



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cut, pre-washed, pre-packaged lettuce and spinach mixes marketed by a very few large “members of the leafy greens industry”. A nationwide marketing agreement of the sort proposed is an inappropriate response to this problem. The most appropriate, most effective and least burdensome regulatory response is one that addresses the specific circumstances, practices and products that have been shown to pose significant risks to the public.

At the same time, NOFA-VT strongly supports the development and adoption of geographically appropriate and scale-specific production, handling and marketing practices that will reduce risks associated with the production and consumption of fresh fruits and vegetables. We believe that the most effective and efficient means of accomplishing this is through well-funded, ongoing education programs, designed and implemented at the regional or state level, which draw on the experience, resources and expertise of local producers, organizations and government agencies. Federal funding of these programs would, in our view, be required to insure their successful implementation.

The overwhelming majority of fruit and vegetable farmers in Vermont and nationwide are proud and responsible producers of safe and nutritious food. They are professionals who are interested in new ideas and information that will enable them to make improvements in their businesses and products.

For these reasons, we regard the proposed marketing agreement as one that would be needlessly intrusive, expensive, unfair and less effective in addressing food safety concerns than well-conceived and implemented education programs.

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